

Mr. CHAMBERS. Does the gentleman mean to say to us that not having one particle of authority, in order to avoid an inconvenience, we should assume the power of acting. I put the question: Are we not usurping the power of the General Government? Will the gentleman deny it?

Mr. STOCKBRIDGE, [in his seat.] I do deny it.

Mr. CHAMBERS. We have taken the oath to support the Constitution. We owe allegiance to this Government, the best on earth, worthy of all commendation, as I deem it to be. Yet we are to usurp a power expressly taken away from us, and without a pretence of right. I think it is very likely that the Legislature will be in session and provide for this case. If so, there will be no difficulty at all. But anything in preference to usurpation. I want an answer to the question: Have we any authority to act upon the subject?

Mr. MILLER. I do not want to prolong the discussion, but I wish to reply to the gentleman from Baltimore city (Mr. Stockbridge) who places the argument entirely upon the supposition that the Legislature of the State will fail to carry out its obligations under the Constitution of the United States.

Mr. STOCKBRIDGE, [in his seat.] Not at all.

Mr. MILLER. The Legislature of the State, which will meet under this new Constitution on the first Wednesday of January, 1865, will be bound, if they regard the provisions of the Constitution of the United States, to fix a time at which members of Congress shall be elected. In every form of government we must repose trust and confidence somewhere. We are not to act on the assumption that the Legislature will fail to discharge its constitutional duty. I think that is an answer to the objection that at the next long session of Congress Maryland will be unrepresented. If the Legislature to be elected next fall does its duty, the first thing it will do will be to pass a law fixing the day on which members of Congress shall be elected. This Constitution comes in and changes entirely all existing laws on the subject. It sweeps them away. The Bill of Rights says that every law we have adopted inconsistent with the provisions of this Constitution, is null and void. We come in here now and make an entire change with regard to the period at which we have been electing our Legislature annually under the existing Constitution. We are to have another election this fall. And the Legislature will make provision for the election of members of Congress, if they discharge their duty.

Mr. STOCKBRIDGE. The gentleman entirely misapprehends my position. I did not assume at all that the coming Legislature would fail to discharge its duty. There is no duty resting upon it with reference to this subject. The time has already been fixed by the law

of the State. Does the Constitution say that every Legislature shall re-adjust that? Suppose the Legislature in its wisdom prefer to retain the day they have fixed, and do not choose to modify it. They violate no obligation whatever. We are not authorized to assume that they will make any change in the day now fixed by the law.

Mr. THOMAS. I am opposed to the proposed change in this section, for the reason given by the gentleman from Prince George's (Mr. Clarke) and the gentleman from Kent (Mr. Chambers,) believing it to be a plain violation of the Constitution of the United States. To obviate the difficulty, I do not see why we should have the first election for senators and delegates under the new Constitution next fall. Why not have that election in November, 1865; and then we can put in a provision that the Legislature shall provide by law that the election of representatives from this State in the Congress of the United States shall be held on the same day with the election of representatives and senators for the General Assembly. That will meet the views both of the gentleman from Prince George's, and the gentlemen on our side. Then put in a provision into the Constitution that the senators and delegates already elected shall continue in office until next winter, and shall be convened in session next winter, and continue in session as provided for in the 6th section of this article. I think that obviates the difficulties, and will fix this matter just as it ought to be; and when the proper time comes I will propose an amendment to that effect.

As to the vacancy mentioned by my colleague, by referring to the 4th clause of section 2, article 1, of the Constitution of the United States, we shall see that it provides: "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill up such vacancies."

The Constitution of the United States does not provide how he shall make these requisitions, or anything about it; but if the State is unrepresented, it is provided that we may have a representation.

Mr. CLARKE. I suppose that the majority of the Convention may make such amendments if they see fit; and being a member of the Legislature, I do not know that it is proper for me to make any suggestion in regard to it; but I wish to say that I prefer that the election of State officers should come at a different period from the Presidential election. It should be held on the odd years, in 1865, &c., so that when we vote for State officers we may vote for them upon State issues solely, and not have the Presidency swapped off for some minor office. I shall therefore prefer the gentleman's proposition, to make the State election next year.

Mr. SCHLEY. In the committee which made